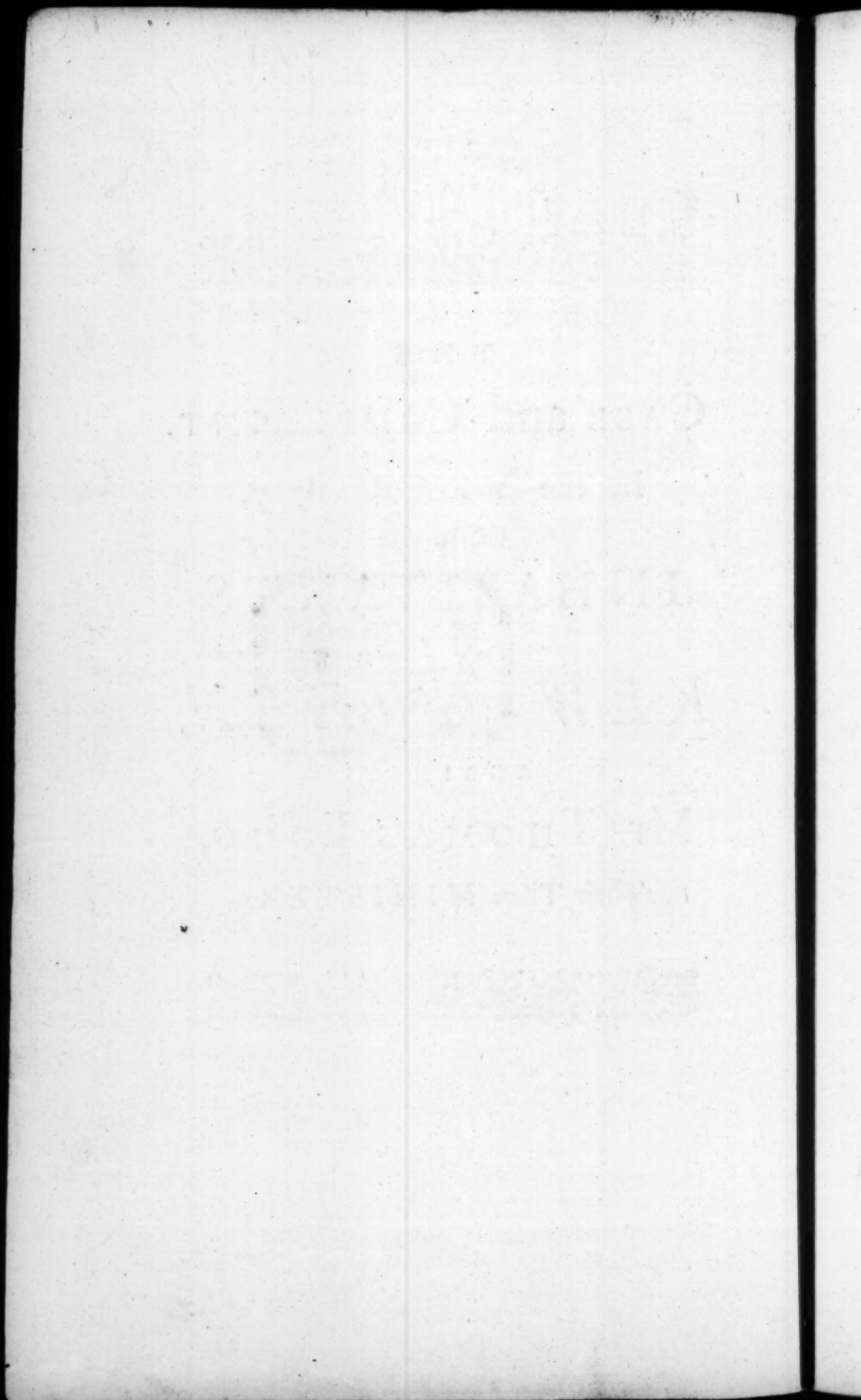




THE
CASE and COMPLAINT
In the YEAR 1717,
Of the then
INHABITANTS
OF
K E W - G R E E N,
AGAINST
Mr. THOMAS FOGG,
Their Then MINISTER.





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THE
CASE and COMPLAINT
OF THE
INHABITANTS
OF
K E W - G R E E N,

Relating to the
CONDUCT and BEHAVIOUR
Of the REVEREND
Mr. THOMAS FOGG,

THE
First CURATE of the New-erected Chapel
there, after the Consecration thereof on the
12th of *May* 1714 ; who was unanimously
recommended by the then Inhabitants, and
nominated by the then Vicar of *Kingston*,
to be their Minister ; and thereupon duly
licensed by the Right Hon. and Right Rev.
Father in God, JONATHAN, Lord Bishop
of WINCHESTER,

Together with
What upon this Occasion was insisted upon
before his Lordship, by one of the Inhabitants of
Kew, when such Complaint was heard.

L O N D O N :

Printed in the Year M.DCC.XLIII. at the
Expence of him who wrote it in his Retirement,
for the Use of such to whom he thinks fit to give
the same.





TO HIS
ROYAL HIGHNESS,
FREDERICK,
PRINCE of *WALES*.

May it please Your ROYAL HIGHNESS;



Y Lot is fallen to live and
reside, during the short
Remains of Life, in an
advanced Age, in the
most beautiful, the most lovely, and
the most delightful prettiest little
Spot of Earth in *Britain*, KEW-
GREEN, some Years since selected

by Your Royal Highness, (I might safely say, by my Liege Lord and Sovereign) preferably to any other Part of his Dominions, for his own, and his whole Royal Family's Residence and Retirement.

AMONGST the many, very many Blessings Almighty God, of his infinite and boundless Mercy, hath bestowed upon me, (unworthy as I am) I assure your Royal Highness, I think it not a little one, that this my happy Lot, and the goodly Heritage I have in this fair Ground, ranks and places me as one of your Royal Highness's Neighbours :

AND, as hitherto, so I shall, to the very latest Period of my Life, look upon it as an indispensable Part
of

of my Duty to God and my King,
to impart to your Royal Highness
every thing in my Power, which
may tend truly to inform you, as
well of the Place where you live,
as of all Things and Circumstan-
ces which have or shall come to
my Knowledge, relating thereto, as
long as it is consistent with your
Royal Highness's Pleasure to live
and reside amongst us.

THESE Papers will very justly
acquaint you with the Conduct
and Behaviour of the First Curate
of our Chapel, after it was conse-
crated ; in which you will find
an unusual (I might say, a very
ungrateful) Return for the Honour
and Favour the then Inhabitants
did him, when they voluntarily

and unanimously recommended him, according to their undoubted and original Right, to the Vicar of *Kingston*, to be their Minister, and for whom, notwithstanding the heavy Burden, and great Expences, they had sustained in building, adorning, endowing, and consecrating the Chapel, found Ways and Means to provide for him a comfortable and happy Maintenance of 100 *l.* a Year and upwards, if that might be called so, for a young Man in Deacon's Orders, at the first setting out his Foot into the World, in such a beautiful Place, in such a Neighbourhood, and amongst such good Friends, and new and valuable Acquaintance. I wish it were in my Power to say better Things of his Successors: But they
being

being since dead, I shall leave them, and their Conduct and Behaviour towards their Flocks, until it becomes absolutely necessary to lay their Conduct and Behaviour in a proper Manner before your Royal Highness ; together with theirs who now (*per fas aut nefas*) have assumed the present Management and Government of the Chapel, and pray, preach, and administer the Holy Sacrament therein by Letter of Attorney ; a new-invented Institution, and never, till now, heard of, either in the Civil, Canon, Common, or Statute Law ; nor, until lately, did any thing bear any Semblance thereto, until a Sect of wrong-headed, giddy, and unthinking Rabble, attempted to Methodize
Chri-

Christianity, and, if it was possible, and in their Power, the settled and established Church of this Nation ; and have begun to spread their Venom amongst us ; And, if it were possible, to get into some Ecclesiastical Benefice or Preferment ; and, in order to accomplish the same, climb up on the Outside of the Fold like a Wolf, a Thief, or a Dog ; for they love not the Sheep but for Hire ; which, as Occasion requires, I shall attempt to do.

At present, Matters are not ripe for this ; neither, in my poor Opinion, is it proper now to make any further Mention of it, because it will speedily be laid before a Court of Justice, whose

whose Business and Delight it is to do Equity : A Court, which, upon proper Application, always takes care to restore and retrieve Charitable Donations to their first Institution, and the Settlements and Wills of the Donors, whenever they find them misapplied, perverted, or under the Management of wicked and dishonest Men : As also to protect and defend them to all future Ages, by necessary and useful Decrees and Injunctions.

THIS, with the following short Remark, must, and, I hope, will be my Apology for thus intruding into your Royal Presence ; as likewise my Excuse to my Neighbours, for the Publication of these Papers

at

at this Juncture of Time, when they are necessary, and so much wanted, for Information of those who are Successors to those former Inhabitants of *Kew-Green*, by whose Care, Trouble, and Expences, the publick Blessing of this useful and convenient Chapel was brought to Perfection ; and which, with very little more Care and Expence, will soon be settled and established to all future Ages, till Time itself shall be no more. But herein I have the Happiness to be the only Inhabitant, that thinks in this Way. And I know, by long Experience, that a Suit of this Nature is not so well carry'd on, and effectually prosecuted, where a Number of ignorant,

ignorant, I might say, illiterate
Persons are concerned.

THE short Remark is this :

“ THAT *altho’ the former In-*
 “ *habitants, after all their Care,*
 “ *Trouble, and Expences, about the*
 “ *Chapel, and in maintaining their*
 “ *just Complaint against their then*
 “ *Minister, had, partly by Consent,*
 “ *and in other Parts by the*
 “ *Bishop’s Decree and Orders,*
 “ *obtained some Relief ; little*
 “ *or no real Benefit and Relief*
 “ *ever redounded to them, or their*
 “ *Successors, thereby. In a short*
 “ *time, the Complaint was forgot ;*
 “ *no Notice was taken of the Bishop,*
 “ *or his Decrees. The Successors*
 “ *of this first Curate looked on*
 “ *them-*

“ themselves as no ways bound by
 “ these Proceedings. It was said,
 “ these Things happened before
 “ their Time ; and the Decree of
 “ one Bishop was no Rule to his
 “ Successor. And, although, to do
 “ such Curates Justice, they were,
 “ in point of Revenue, very te-
 “ nacious of receiving the utmost
 “ Penny, that, as the common Say-
 “ ing is, they might no ways in-
 “ jure their Successors ; they were
 “ as nicely strict in concealing and
 “ stifling, or, at least, of not dis-
 “ covering and publishing, the Bi-
 “ shop’s Decrees : Few or none of
 “ the present Inhabitants ever knew
 “ or heard any thing of it ; so that
 “ it was become obsolete, and wholly
 “ unobserved : Matters went on in
 “ the old Tract, only grew worse
 “ and

*“ and worse, and so continue at
“ this Day.*

*“ No Bandage has as yet been
“ found strong enough, to compel
“ a Curate of Kew to do his
“ Duty.”*

A Decree of a Court of Equity
will be an effectual Cure.

AND as the Case of the present
Inhabitants is now laid before
that Court, to be settled, and
finally determined, Justice will, in
due time, be done, and a Period
put to our Animosities and Mis-
understandings, which, it must be
acknowledged, are at present very
great Misfortunes.

IT

It has been formerly said,
Equity has very slow and lingering
Steps :

BUT under our present happy
 Establishment, and under the
 Care of those Great, very Great,
 Wise, and Learned Judges, who
 now preside therein, it must, with
 great Justice, and in all Grati-
 tude, be acknowledged, that there
 is little or no Occasion for this
 Out-of-fashion Reflection at this
 Time.

AND those who think in this
 Way, must confess, That if it
 was formerly said, *Equity had*
slow, it had sure Heels : And, in
 due Time, it will overtake, van-
 quish,

quish, and bind the Wicked to Obedience.

WE rely on this: But if the Success does not answer Expectations, the Power is still in our own Hands, in some measure. For, in all voluntary Gifts and Subscriptions, no Law can compel me to carry them on to Successors, without my Agreement, or to pay more than we have, or longer than my own Will and Pleasure: Those for whose Support the Purse is opened, must submit to him who owns it: And therefore if we do not open them so liberally as hitherto hath been done, and the exuberant Branches are cut off, and pruned, and the Plant reduced to its first

B

Bear-

Bearings, the Remedy will be effectual and complete.

UNSALEABLE Goods, or a Curacy thus pruned, seldom sell well ; or, at least, will not answer the Expectation of those who carry them to Market.

BUT when Ecclesiastical Preferments, and more especially perpetual Curacies, like ours, with exorbitant Profits attending them, (as ours hath, being *now*, by Fraud and Management, 200 *l.* a Year and upwards) are carried thither, or elsewhere, to be barter'd for, and sold by, a needy or avaritious Vicar of a Mother Church ; the Inquiry is not, as usual in such

such Cafes, who will give moſt ;
 but who will do the Drudgery of
 the Cure cheapeſt : That ſuch
 Vicar, expreſſy againſt the Words
 and Meaning of the Act of Par-
 liament made in the Firſt Year of
 your Royal Grandfather's Reign,
 (for making more effectual the
 late Queen ANNE's moſt Gracious
 Intentions for augmenting the
 Maintenance of the poor Clergy)
 will undoubtedly, if it is poſſible,
 by private Compact, or fraudulent
 Agreement, with ſome poor, indi-
 gent, and unhappy Hireling, go
 Snacks with him, or, at leaſt,
 filch ſomething for himſelf out of
 the poor Labourer's Caldron, or
 Kettle, or Pot, to put it into his
 own.

THIS, to our Comfort, is not literally our present Case, but varies little or nothing from it in Reality and Substance ; otherwise, Why does not our licensed Curate live and reside on his Cure ? And why is his Master and Supreme appointed, by his Letter of Attorney, to manage, that is, to lett and sett the Pews in the Chapel, and to receive all the Profits thereof, and apply them to his, (that is) the Vicar's, own Use ? And why has it been declared by such Curate, that, as he has no Occasion, so he never intended to receive Six-pence out of such Profits to his own Use ? And it will yet be harder to find a good Reason, why in the Roll of the Clergy of the Diocese,

Dioceſe, always called over at every Viſitation, the Curacy of the Chapel of St. *Ann's, Kew-Green*, was omitted, as it was at the laſt Viſitation. How this happened, or why, or by whoſe wiſe and aſſiduous Care this was done, I ſhall not take upon me to determine ; but muſt leave it to your Royal Highneſs and the World to judge. My own Apprehenſions are, that ſuch a worthy honeſt Clergyman, our now licensed Curate, deſcended from a Family as antient as the *Norman* Conqueſt, with a paternal Eſtate of 2000 *l.* a Year and upward, would not permit his Name to be inſerted in ſuch Roll, and publickly called over, and publiſhed, in the Face of all the other worthy-Clergy of the Dioceſe, as a Cu-

rate to the Vicar of the Mother Church.

IN some Part of the fraudulent Management which hath been, and is now, carrying on, with respect to the Revenues of the Chapel ; permit me, as it is my Duty, to acquaint your ROYAL HIGHNESS, that you have, with great Art, and pious Cunning, been hitherto (under the specious Pretences of utmost Gratitude and Respect) treated in no measure suitable to such a bountiful Benefactor.

IT is well known here, that his most Excellent and Sacred Majesty, your Royal Highness, and all the Royal Family, have been abundantly bountiful towards the Support

port of the Ministers who have officiated therein, and even the Clerk thereof, the meanest and worst of them all.

YOUR overflowing charitable Bounty and Beneficence to them (unworthy as they have been) hath been returned with a Finesse equal to Men of their Skill and Judgment. The first Curate you shewed your Royal Favour unto, was the last that died ; and he, in Return, in a complaisant Manner, declared, That all your Family should be accommodated with Seats every-where all over the Chapel ; and therefore there was no Occasion to appropriate any more Seats or Pews for your Use, besides the Two Seats set apart for the Use

of the Lady *Capel*, and her Family, which she has endowed, having charged all her Estate at *Kew* with the Payment of 10 *l.* a Year for the same for ever, so as she, and those who succeed her in her Estate there, quietly enjoyed the same : The true Reason whereof is, that although he was allowed by your Royal Highness more than what was the established and settled Rates to the Minister, for Six of the best Pews in the Chapel ; if he gave Satisfaction to your Family, in this complimentary Manner, he would let out the Pews, which ought to be so appropriated to your Use, to such as would give most for the same ; and which he, and I doubt not but his Successors, have or will do accordingly :
Whereby

Whereby the Rates of the Pews (large and excessive as they are) are doubled or trebled in this Particular by your Royal Highness : And if this has been without informing you with the Nature and whole Truth of the Case ; a good-natur'd World would justly say, This is a Pious Fraud : And, if so, What can be expected from the World we live in ?

I know your Royal Highness delights in Musick ; and after so long a Tale, told only from dull Matter of Fact, by a young Author, (for this is the very first Time I ever appeared in Print to any Performance of my own, unworthy as it is) I cannot but be persuaded,
that

that a little Part of an old Sonnet
cannot be unacceptable to your
Royal Highness :

— *Parish Priests should good Examples
give,
And void of Failings, as they preach,
should live ;
Shun publick Errors, that the Gown de-
grade,
And make their holy Function seem a
Trade.
They, like their patient Master, ought
to be
The sacred Pattern of Humility ;
Abandon Malice, Avarice, and Sloth,
Those Qualities that ill become the Cloth ;
Prune the Lord's Vineyard, not indulge
their Ease,
But labour to deserve the Grapes they
squeeze ;
Take not upon them more than they can
bear,
Or wisely manage, with due Pains and
Care.*

IN

IN the mean time, I shall comfort myself with reflecting on this well-known *Latin* Sentence, at this Time the Hopes and Desires of every True Honest *Briton* :

Pax quæritur Bello.

I am, with utmost Duty and Humility, ROYAL SIR,

Your ROYAL HIGHNESS'S

most Dutiful,

most Obedient, and

Faithful Servant.

Kew - Green,
11 August, 1743.
Being my Birth-
Day, and 66th
Year of my Age
complete.

[Faint text]

In the morning I shall
be with you when returning on the
well-known Lake Superior
the first of the 10th and 11th
of May. The first of May

The second of May

I am with you on the 10th
of May. The first of May

The second of May

The third of May

The fourth of May

The fifth of May

The sixth of May

The seventh of May

The eighth of May

The ninth of May

The tenth of May



T H E
C A S E.



SEVERAL of the Inhabitants of *Kew-Green*, who had raised and contributed very considerable Sums of Money, by voluntary Subscriptions, and otherwise, towards erecting a Chapel there for their own Ease and Convenience, and in finishing and adorning it with all Things proper for the publick Worship of God, and in the purchasing of Lands for Endowment thereof, before it could be consecrated ; conceiv-
ing

ing themselves liable to many Inconveniences, for want of their Minister's constant Residence amongst them, and apprehending themselves aggrieved in several Instances relating to his Conduct; and their Minister and the Chapelwarden disagreeing in the Distribution of the charitable Offerings given at the Sacrament;

AN humble Representation, subscribed by several of the then Inhabitants, and those not of the meaner Sort, was, in the Year 1717, (much too soon after it was so erected and consecrated) laid before the then Right Hon. and Right Rev. the Lord Bishop of the Diocese; wherein the Particulars of their Grievances were enumerated: By which Representation it was prayed, That his Lordship would please, either to recal his Licence granted to Mr. *Fogg*, or oblige him to a constant Residence on his Cure; and, in such Case, give the Inhabitants such Relief, in the several Matters of their
Com-

Complaint, as should be just : A Copy of which Representation, with a short Abstract thereof, is inserted in the Appendix, No. I.

To this Representation, Mr. *Fogg* transmitted his Answer to the Bishop ; a Copy whereof is in the Appendix, No. II. And several Matters of Fact in the Representation being by such Answer disputed, or, at least, not clearly admitted, the Inhabitants found themselves under an absolute Necessity of proving the several Facts they had asserted and affirmed : And, in order hereunto, they delivered to the Bishop a Replication to Mr. *Fogg's* Answer, which is inserted in the Appendix, No. 3.

Thus the Proceedings on this Complaint stood before the Bishop, when Mr. *Fogg* desired a Meeting might be had, in order to an amicable Settlement thereof, and to restore mutual Respect

spect and Affection between him and the Inhabitants for the future.

HIS Request was no sooner made, but granted ; and it had this good Effect, that the Matters complained of, save as to the following Particulars, were amicably adjusted, and the Whole was reduced to the Three following Points ; which were submitted to the Bishop's Determination in a summary Way, as improper to be determined by the contending Parties.

AND, that it might be thus determined, it was agreed, That the Matters of Fact, upon which these Points arose, should be admitted, that the Bishop might have the Whole before him for his Judgment, without the Trouble and Expences, to the Parties, of a long and tedious Examination of Witnesses, who, if *Hudibras's* Description holds, would not give much Light in the Case :

For

*For Witnesses, like Watches, go
Sometimes too fast, sometimes too slow.*

THESE Preliminaries being thus adjusted, the Bishop appointed the Day of 1717. to hear and determine this Controversy : On which Day Mr. *Fogg*, and some of the then Inhabitants, of his Party, and in his Interest and Way of Thinking, attended.

AND, on the other Party, Sir *Charles Eyre*, then one of the principal Inhabitants of *Kew*, who (in much Gratitude to his Memory, it must and will always be acknowledged) had a great Share in the Trouble and Expence of bringing these Matters to Perfection. And Sir *Charles* was attended before the Bishop by some other of the Inhabitants, who thought they were aggrieved by Mr. *Fogg's* Conduct, and were to justify the remaining Part of the Representation, particularly the three Points hereafter mentioned, not determined; but amicably submitted to

C

the

the Bishop's Judgment and Directions :
 Such of the then Inhabitants, who, having
 borne the Heat and Burden of the Day,
 strove for Justice, and to support their
 Right and undoubted Property, as also
 for Liberty ; and would not voluntarily
 submit to be any longer Priest-ridden,
 nor to the Pride and Insolence of one
 whom they were to support and maintain
 by generous and voluntary Subscriptions,
 as well as for the Seats in the Chapel so
 built, adorned, endowed, and consecrated,
 at their own Expences, and for their
 own Convenience, as before mentioned :
 The Revenues whereof, including the
 Endowment, at that Time not exceeding
 5 *l.* a Year in all, amounted in those
 Days only to 100 *l.* a Year, although it
 is since increased to above double that :
 Such, who, not unlike the true Mother
 of the Child spoken of by *Salomon*, would
 (rather than it should be destroyed) sub-
 mit such their undoubted Right to be de-
 termined as above, rather than give up
 the same tamely, in a Way disagreeable
 to

to Persons of their generous Dispositions ; who had Courage enough, maugre all Difficulties thrown in their Way, to conquer them all ; and would not, with *Eſau*, ſell their Birthright for a Meſs of Potage, as, it is too well known, has been lately done.

It fell to the Part of one of theſe Sort of the Inhabitants, who was in this Way of Thinking, to offer to the Biſhop what occurred to him to juſtify theſe Parts of the Representation and Complaint, which remained undetermined ; which he did (unequal as he was to perform it) in the following Manner :

AFTER ſtating to his Lordſhip how the Matter ſtood, on the Forms of the Proceedings before him, and the Subſtance of what related thereto, as herein before mentioned, he thus proceeded :

My LORD,

IT is with great Pleasure and Satisfaction I now appear with my Neighbours before your Lordship, and have it in my Power to acquaint you, That several of the Matters contained in our Representation are amicably adjusted and settled between ourselves.

ALL that we humbly pray on both Sides, under this Head, is, That, if you approve thereof, your Lordship will confirm the same under your Episcopal Seal.

As to what remains, which, as we apprehend, are not proper for us of the Laity to meddle with, we have not presumed to determine the same ; but herein all Parties, by mutual Consent, submit the Determination thereof to your Lordship's Judgment and Directions.

THE

THE Points which remain for your Lordship's Judgment, are only these three :

I. As to the Manner of Mr. *Fogg's* Residence on his Cure.

II. As to the Frequency of his catechising Children in the Chapel.

III. As to the Distribution of the Sacrament Money.

I. As to the first of these, Mr. *Fogg* does now agree, that he will, for the future, reside at his Cure. But the particular Manner of that Residence is attended with some Difficulties, which we are unable to settle. And, besides, the Inhabitants desire they might have some better Assurance, than Mr. *Fogg's* bare Promise, that he will so reside ; And this was the rather desired, because, if any Mistake happened about it, your

Lordship would unavoidably have a second Trouble.

To avoid, therefore, any Difficulty, which should arise, about the Assurance Mr. *Fogg* was desired to give for his constant Residence, he himself proposed satisfactory Security to us in this Particular ; and that is, that he would voluntarily put himself under your Lordship's Direction or Monition : And this he submitted to, after he was well apprised of what would be the Consequence of his Non-performance.

THAT which we therefore humbly desire of your Lordship, under this first Head, is, that, according to Mr. *Fogg's* Proposal and Consent, your Lordship will be pleased to decree,

THAT he shall, for the future, constantly, actually, and really, live, lodge, and reside, at his Cure ; and shall not be absent from thence, on any Pre-
tence

[11]

tence whatsoever, above six Days in a Quarter, or twenty-four Days in a Year, *conjunctim vel divisim*, without your Lordship's Permission.

MR. Fogg cannot think he has any the least Hardship done him in this Case, since he is almost put on a Foot with every Prebendary who has a Cure of Souls, who, by the forty-fourth Canon, is expressly enjoined, not to be absent from his Benefice, under colour of such Prebend, above a Month in a Year.

I do not find any Direction, indeed, as to a Curate's Residence : And I humbly take the Reason thereof to be as well from the Name as the Nature of his Office ; that the Law supposes he should always keep constant and actual Residence.

WE likewise humbly submit it to your Lordship, whether it may not be
C 4 proper,

proper, in such a Decree, as a further Security to us, to restrain Mr. *Fogg* from keeping or appointing Curates to officiate in his stead ; and to injoin him actually to serve the Cure himself, unless in case of Sicknefs, or Absence with your Lordship's Leave ; for I am at Loss to find, by what Law one, who is himself only a Curate, finds Power to nominate or appoint a Curate under him : The general and known Maxim being, CURATUS NON HABET CURATUM.

AND, pray, my Lord, what Inconveniency or Hardship can Mr. *Fogg* complain of ? Is he desired to do any thing but his Duty ? And if he has the same Affection for his Congregation, which they, by this Desire, express to have for him, I hope he will even abate the twenty-four Days : But cannot see the least Reason, why he should not (since it must be so greatly for his own Interest) even desire, himself, that your Lordship would oblige

oblige him to the strictest Residence: And I do not question, but, as soon as he has a little tasted of the Benefits of it, he will be most thankful to your Lordship for your Decree, and to all Petitioners for their Endeavours to obtain it.

BUT, if Mr. *Fogg* is not pleased to request this himself, I am desired by the Petitioners to request it of your Lordship, and that in the strictest Terms: For, that, without such a Residence, they are now brought in a far worse Case, than they were before the Chapel was erected.

FOR, when they inter-pewed with the Inhabitants of *Richmond*, the Ministers and Curates there looked upon it as their Duty to take care of us; to visit and pray with the Sick; to baptize Infants, in case of Danger of Death; to bury the Dead, and to exercise all other Parts of a Minister's Function. And they were adjacent to us, much nearer

nearer than *Mark-lane* in *London*, where our Minister has hitherto resided : But since we are withdrawn from them, and have, at the Expence of 600 *l.* and upwards, procured a Chapel for our own Accommodation, and put ourselves under the Care of another Minister, and have agreed to provide a competent Maintenance for him, I fear they look upon themselves disengaged from any Care of us ; and may justly decline, if not totally refuse, to come to our Relief, although in Cases of the greatest Extremity ; at least, as it too often happens, unless they are well paid for it.

II. As to the Frequency of catechising Children.

The fifty-ninth Canon says, it ought to be every *Sunday* ; but if Mr. *Fogg* will do it on the first and other *Sundays* in *Lent*, before *Easter*, and on the first *Sunday* in every Month, and now-and-then a Sermon on *Sunday* in the Afternoon, for the Benefit and Instruction

struction of our Servants and others, who cannot attend the publick Worship on *Sundays* and other Days in the Forenoon, we are contented.

III. As to the Distribution of the Sacrament Money ;

THE Inhabitants take it, That all the Offerings, given at the Sacrament, ought to be applied to pious and charitable Uses.

IF this is not so understood, and publickly known, it will greatly diminish, if not totally spoil, the Charity.

IT being left to the pious Intention of every Person to give what he pleases ; and if I know what I give is not to be applied for Charity ; and my Design, in giving, is, that it shall be applied to no other Purpose ; my Design, and so my Charity, is plainly frustrated. And, my Lord, I doubt,
the

the Consequence is plain, that either the Communicants will not give, or, if any thing, but very little, and look upon themselves sufficient to distribute their own Charity as they please.

I well remember your Lordship's noble Benefaction, at the Consecration of the Chapel, was, by your own previous Declaration, intended to be applied towards the Purchase of an Endowment. And, God be praised, I can now inform your Lordship, that good Seed has sprung up so plentifully, that, from little or nothing, we have now an Endowment of above one hundred and ten Acres of Land of Inheritance *; which, if I am not misinformed, with good Management, will produce 26 *l.* a Year at the least.

* The first Endowment was about thirty-six Acres of Wood-land, before the Chapel was consecrated, of about 5 *l.* a Year: After which, a second Endowment was purchased of about seventy-four Acres, worth about 26 *l.* a Year.

I mention this, only to shew, from your Lordship's Example, that it is undoubtedly in the Power of every Donor, to give his Money to what Uses he pleases. And if I intend it for Charity, and find it is not so applied, I will not entrust it any longer under the Care of such Distributors, but see it done myself.

THIS, being established, will be of some Use in determining the Matters in Difference between us as to the Sacrament Money.

MR. *Fogg* insists, he has your Lordship's verbal Order, that all the Money, collected at the Sacrament at *Easter*, shall be kept and retained by him, for his own Use, and a full Third of the rest ; and that, not as a Trustee, to be given away by him to charitable Uses ; but for his own particular Use and Benefit.

IF

IF we had ever been heard before your Lordship, in relation to this Affair, we would never have given your Lordship a second Trouble. But since what your Lordship was pleased to mention at Sir *Charles Eyre's* House, in relation to this Affair, was at a Time when no Person was acquainted, that Mr. *Fogg* would then move that Matter, and since Differences having arisen about it, we humbly request your Lordship to reconsider those Directions, if such were then given.

IF we were in the Case of a poor indigent Curate, with a numerous Family, and only ten or fifteen Pounds a Year to support them ; we would most readily concur with your Lordship, that to relieve such a poor Gentleman, would be an Act of very great Charity ; and, doubtless, we should be well warranted by several Texts in the Scripture for so doing, and particularly by
several

several of those which are usually read at the Offertory.

BUT pray, my Lord, be pleased to consider, is this our Case? Mr. *Fogg*, and all of us, have great Reason to thank God it is not. Our Revenues, we insist upon it, are very near one hundred Pounds a Year : And if it were not half so much, is not that even far beyond what many Curates in *England* have to maintain large Families? Can it be therefore called a Charity in our Case, to add four or five Pounds a Year out of the Sacrament Money, by way of Augmentation, to what our Minister already has? No, surely, it is not; and I should think he might be very well satisfied with what this Cure brings him in, without insisting on any Proportion of the Sacrament Money for his own private Use.

WE readily submit, that he shall have a third Part to distribute to pious
and

and charitable Uses, so as he renders an Account to the Inhabitants, to whom, and in what Manner, he has applied it :

THE Chapelwarden, on his Part, doing the like as to another Third.

AND, for the other Third, we hope your Lordship will be of Opinion, that it ought to be laid up for the Benefit of the Fabrick of the Chapel, to be laid out in the Repairs or Ornaments of it, or to bind out poor Children Apprentices.

BUT the Inhabitants, as well as Mr. *Fogg*, intirely submit the whole Matter, relating to the Sacrament Money, to your Lordship's Direction.

THE other Matters, which Mr. *Fogg* has agreed to, are ;

THAT he will not begin the Service until a Quarter after Eleven, on Prayer-

Prayer-Days ; and that the Bell shall ring a full Quarter before, and toll a full Quarter after Eleven ; and that he will read Prayers *Wednesdays, Fridays,* and all Holy-days in the Year ; as also the most excellent Exhortation to the holy Communion, the *Sunday* before the Celebration of the holy Sacrament : And that, for the future, he will endeavour so to raise his Voice, as that he may be distinctly heard all over the Chapel.

WE therefore humbly pray your Lordship's Confirmation of these Matters, which we have agreed ; and your Direction and Decree in the Matters before-mentioned, about Residence, Catechising, and Sacrament Money.

AND, this being done, we, on our Part, are ready to withdraw our Replication, and consent Mr. *Fogg* shall take back his Answer ; and then we will withdraw our Complaint.

D

OR,

OR, if that cannot be done, we assure your Lordship, That all Things past shall be buried in Oblivion. And if Mr. *Fogg*, on his Part, will (as I question not but he will) punctually perform all your Lordship's Directions, he will be sure to receive the hearty Affections of the Inhabitants, as well as a punctual Satisfaction of the Money they have agreed to pay him.

I cannot better conclude all I have to offer to your Lordship, than with that known Maxim my Lord *Coke* has taught me ; and which, I assure your Lordship, was the only Motive induced me to join in this Application to your Lordship :

Nunquam res humanæ prosperè succedunt, ubi negliguntur divinæ.

A P.



APPENDIX.

No. I.

*To the Right Rev. Father in God,
JONATHAN, Lord Bishop of
WINTON.*

*The humble Representation of the Inhabi-
tants of Kew-Green in the County of
Surrey, whose Names are hereto sub-
scribed, in behalf of themselves, and the
rest of the Inhabitants there ;*

Most humbly sheweth,



HAT the said Inhabitants, and
several other well-disposed
Persons, assisted by her late
most Sacred Majesty Queen
ANNE, by voluntary Subscriptions, erected
and built a Chapel on *Kew-Green*, for
the Worship and Service of Almighty
D 2 God,

God, according to the Liturgy and Service of the Church of *England* ; which has been consecrated by your Lordship, and endowed with Lands of Inheritance to the annual Value of twenty-five Pounds and upwards : And your Petitioners and others, by voluntary yearly Payments for their Pews, have increased the yearly Revenues of the said Chapel unto the Sum of One hundred Pounds a Year, or thereabouts ; and your Lordship was pleased to license the Rev. Mr. *Fogg* to be the Curate of the said Chapel.

THAT after the said Inhabitants had cheerfully expended very great Sums of Money in the Building, Endowment, and increasing the Revenue of the said Chapel, they had Reason to hope and expect, that the said Curate, having so great Encouragement as aforesaid, would have constantly resided at *Kew-Green*, that he might have been always ready to have performed the several Parts and
 Offices

Offices of his ministerial Function, especially in Cases of Necessity, as the Administration of Baptism to Infants in Danger of Death, in instructing Youth in the Principles of the Christian Religion and Church Catechism, and in praying with sick Persons, and administering the blessed Sacrament to them in the latest Hours of Extremity, in case of any sudden and dangerous Illness; and that every one of the said Inhabitants, from the richest to the poorest, as their several Cases required, should have been Partakers of all such Comforts and Blessings, as might be justly expected, where such Curate duly discharges the Duty of his Ministry, and, in return, receives the hearty Affection and Love of those committed to his Care, as well as their Money.

BUT 'tis with the utmost Concern and Uneasiness, that the said Inhabitants find themselves totally disappointed in such their just Expectations; and that

'tis become their Duty to represent to your Lordship the several Matters of Fact contained in the following Articles :

1st. THAT the said Mr. *Thomas Fogg* does not think fit constantly to live at or near *Kew-Green* ; by reason whereof the said Inhabitants, in Cases of Necessity, are destitute of any Assistance from him, and have several times been obliged, if they could, to get some other Minister to officiate in his room ; and, when they have not been able so to do, several great Inconveniences have happened, and many more may hereafter happen, and especially with respect to the Particulars before-mentioned.

THE said Inhabitants do admit, that Mr. *Thomas Fogg* (to give some Colour to a pretended Residence) has taken Lodgings on *Kew-Green* by the Year ; but is so far from using the same for the constant Place of his Habitation, that he seldom or never lies there but on *Saturday*

turday Nights ; and, at other Times on Week-days, does not use his said Lodgings so much as to exchange his riding Cloaths for his canonical Habit ; it being the constant Practice of the said *Thomas Fogg*, such Week-days and Holy-days as he pleases to officiate in the said Chapel, to read the Divine Service in his Boots and riding Cloaths under the Surplice, without giving himself the Trouble and Uneasiness of exchanging the same for his Gown and Cassock ; so that he may, with more Expedition, retire from the Chapel, when the Service is over, to the Place of his real Residence ; which is either at his Father's House in *Mark-lane*, *London*, or at his Brother's on *Hounslow-beath*.

2d. THE said *Thomas Fogg* hath never obey'd your Lordship's particular Directions, as to the Ringing and Tolling of the Bell ; which, instead of half an Hour, is never permitted to ring and toll, in all, above ten or fifteen Minutes, at the

most : Such is the great Haste of him the said *Thomas Fogg* to get over the Service, that he may leave his Cure ; and such Speed used in beginning of the same, which always puts a Stop to the Ringing of the Bell, that many times it is not permitted to toll above three or four Minutes : And although several of the Inhabitants are using their utmost Care and Speed to get into the Chapel, before the Service begins, and are in Sight of the same ; yet such extreme Haste is used in reading, that the said Curate gets into the First Lesson, or the *Psalms*, and most commonly beyond the Confession and Absolution, before 'tis possible for the Inhabitants to get into the Chapel ; all which would be effectually prevented, if the said Mr. *Fogg* thought fit to obey your Lordship's Commands, and permit the Bell to ring one Quarter, and then to toll another Quarter of an Hour.

3d. THE said *Thomas Fogg* seldom or never catechises the Children, nor ever
reads

reads the most excellent Exhortation to the Communion the *Sunday* before the intended Celebration; contenting himself with giving the Inhabitants Notice thereof in these or the like Words ; *The Holy Sacrament will be here administred on Sunday next.*

4th. THE said *Thomas Fogg* oftentimes permits the Divine Service of the Church to be omitted and unperformed on *Wednesdays* and *Fridays*, especially if there happens any Holy-day in the same Week; and usually hires such Persons to read Prayers for him, as are not in Priests Orders, whereby the Inhabitants, when such Deacon officiates, are deprived of the Benefit of Absolution; and, when the said *Thomas Fogg* officiates himself, he reads the Service with so low a Voice, that he cannot be heard but only by a very few of the Inhabitants, who are seated near him.

5th.

5th. THE said *Thomas Fogg* insists to keep and detain, for his own private Use and Occasions, (for any thing we know to the contrary) all the Money collected at the Sacrament ; and, although often desired, yet utterly refuses to distribute the same for the Relief of the poor Inhabitants, or to let them know to what pious or charitable Uses the same is apply'd : And, although the said Inhabitants have diligently inquired, they are not able to discover, that he hath given away any of the said Money, or, at least, but a very small and inconsiderable Part thereof, to any of the poor Inhabitants within his said Curacy.

ALL which Matters are, in all Humility, represented unto your Lordship by the said Inhabitants, who humbly request your Lordship to recal the Licence you have been pleased to grant unto the said Mr. *Thomas Fogg*, and to discharge him from further officiating in the said Chapel ;

Chapel ; or, at least, that your Lordship will please to oblige him constantly to live, inhabit, and really reside, at *Kew-Green* ; and to give the Inhabitants such Relief in the Matters hereby represented, as may tend to the Glory of God, the Good and Peace of the Church, and to the establishing a good Agreement, for the future, between the said Mr. *Fogg*, and those who shall live under his Cure.

John Murden, Chapelwarden.

Chris. Appleby, 1717.

Charles Eyre.

John Lely.

John Gaine.

Arthur Nixon.

John Martyn.

William Cox.

Thomas Howlett.

John Hayter.

SHORT

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live, ... and ...
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SHORT
ABSTRACT
OF THE
REPRESENTATION
AGAINST
Mr. THOMAS FOGG.

I. ARTICLE.



DOES not constantly live at
Kew-Green.

Obliged to get other Mini-
sters to officiate.

Inconveniencies have happen'd when
they could not.

More may happen hereafter.

Con-

Constant Practice on Week-days and Holy-days, to read the Service in his Boots and riding Cloaths under the Surplice, that he may the more easily retire, when he has read the Service, from his Flock, to his real Residence in *Mark-lane*, or to the Powder-mills on *Houfflow-beath*, which is the Habitation of his Brother Mr. *Jonathan Fogg*.

II. ARTICLE.

DISOBEY'D the Bishop's Commands, as to the Ringing and Tolling of the Bell.

Not permitted to ring and toll above ten or fifteen Minutes.

Begins the Service so speedily, which stops the Bell, that many times it does not toll above three or four Minutes.

Curate gets into the First Lesson or *Psalms*, and most commonly beyond the Confession and Absolution, before

fore the Inhabitants get into the Chapel ; all which would be prevented, if the Bell rung a Quarter, tolled a Quarter.

III. ARTICLE.

SELDOM or never catechises the Children ; never reads the Exhortation before the intended Celebration of the Sacrament.

IV. ARTICLE.

OFTENTIMES permits Divine Service to be omitted and unperformed *Wednesdays* and *Fridays*, especially if there is a Holy-day in the same Week.

Usually hires such to read for him, as are not in Priests Orders.

Inhabitants are then deprived of Absolution.

Fogg reads with so low a Voice, that he cannot be heard but only by a few that are seated near him.

V. AR-

V. ARTICLE.

INSISTS to keep, for aught the Inhabitants know, all the Money collected at the Sacrament.

Though often desired, yet refuses to distribute it for Relief of the poor Inhabitants ;

Or let them know to what pious and charitable Uses the same is applied.

That, although Inhabitants have diligently inquired, they cannot discover he has given away any or, at least, but a small Part, to any of the poor Inhabitants.

PRAYS, To recal the Licence, and discharge him :

Or, Oblige him to live constantly, and really reside, at *Kew* ;

And to give the Inhabitants such Relief, as may tend to God's Glory, and the Peace of the Church.



No. II.

A N

A N S W E R

T O T H E

R E P R E S E N T A T I O N

O F

*Sir CHARLES EYRE, Mr. APPLEBY,
and others, to the Right Rev. Father
in God JONATHAN Lord Bishop of
WINCHESTER, against Mr. FOGG, Cu-
rate of St. Ann Kew Chapel, in the
County of Surrey.*



THE Preamble to the said Re-
presentation sets forth, that
it is in behalf of the Sub-
scribers, and the rest of the
Inhabitants ; whereas it plainly appears,
that the much better Part, for Quality

E

as

as well as Number, were intirely against it, being satisfy'd of Mr. *Fogg's* good Behaviour; and therefore either were not asked, or, being asked, absolutely refused to subscribe it: Such were the Right Hon. the Lady *Capell*, the Right Hon. the Lord *Perceval*, the Hon. Col. *Backwell*, Mr. *Shute*, Mr. *Harrison*, Mr. *Harrington*, Mrs. *Mounteney*, Mr. *Nat. Mounteney*, Capt. *Hugh Gayne*, and others.

To speak to each Article of the said Representation: As to the Non-residence of Mr. *Fogg*; It is answered, That there being no House for the Minister, he has Lodgings on the Place; where he certainly is four Days in the Week, viz. *Tuesdays, Wednesdays, Saturdays, and Sundays*; and all other times, as the Duty of his Cure requires: That he is not conscious of any Neglect, that has happened on any one *Sunday*, during his Ministry: That he has not fail'd officiating himself, above four *Sundays*, to
 5 the

the best of his Recollection, in the whole Year; and then took care of a proper Supply: He acknowledges, that on Week-days there has been an Omission or two, particularly in *October* last, occasioned by his being cited to a Visitation at *Epsom*, together with the Chapelwarden and Clerk; otherwise Prayers have been constantly read in the said Chapel, on *Wednesdays*, *Fridays*, *Saturdays* before the Holy Sacrament, and on all Holy-days, though sometimes (in bad Weather) to so small a Congregation as four Persons, particularly on *Friday* the 22d of *November* last past: That he is at all times ready, on proper Notice, to visit the Sick; and challengeth the Subscribers to bring one Instance to the contrary.

As for a Deacon's reading Prayers in his stead; He humbly submitteth to my Lord Bishop, whether a Person of that Order is not impower'd so to do, as also to administer the Sacrament of Baptism.

As to his reading Prayers in Boots ; He grants, that, coming to his Cure on Horseback, he has several times put his Gown over them, and sometimes, in extreme hot Weather, the Surplice only : But for reading with so low a Voice, and after so rude and so irreverent a Manner, That he absolutely denies, and appeals to the worthy Persons above-mentioned for his Justification. As to his not reading the Exhortation before the Communion, his preaching so frequently and so pressingly on that Subject was the Occasion of it.

As to his not Catechising ; He declares, he is ready at proper Times so to do ; but hopes he cannot be blamed in this Point, since there are no Children sent to him in order to it ; and as for the Charity Children, they are constantly catechised at *Brentford*, where their School is.

As

As to his concerning himself about the Bell ; He is positive, it seldom, if ever, rings less than a Quarter of an Hour, often longer ; but, when he observes a good Congregation, he does not make it wait for any particular Person, those of the first Quality never so much as desiring it.

Lastly, For the Misapplication of the Communion Moneys, charged upon him ; He craves Leave to refer to the State of their Distribution hereunto annexed : But in this, and all other Affairs, he intirely, as in Duty bound, throws himself upon my Lord Bishop's Wisdom and Goodness, For any thing that he has been so unhappy as to have done amiss in, he asks God and his Lordship's Pardon, and faithfully promises to correct it for the future.

To conclude: He intreats his Lordship, in all Humility, to consider how clandestinely this Affair is carry'd on against him; none of the Persons engaged ever acquainting him with it, and many of them, but the last *May*, Subscribers to the direct contrary, as appears by the Testimonial annexed, particularly Mr. *Lely*, and the Chapelwarden; who, though desired by the Curate over and over again, to attend my Lord Bishop, together with him, in order to receive his Lordship's Determination about the Communion Money, he never would fix any Time, to the occasioning this long Delay, and the Non-distribution of the three last Collections.

C O P Y



C O P Y
OF THE
CERTIFICATE,
AND
ACCOUNT of the DISTRIBUTION
OF THE
SACRAMENT MONEY,
Referred to in
Mr. F O G G's Answer.



THESE are to certify, whom
it may concern, that the Rev.
Mr. *Thomas Fogg*, Minister
of St. *Ann Kew* Chapel, in
the County of *Surrey*, has behaved him-
self, the Space of three Years, which is
the Time since the Consecration thereof,
in all the Parts of his Ministerial Fun-
E 4 ction,

tion, with Piety and Devotion : That he is of a sober Life and Conversation, and well-affected to the present Establishment in Church and State : In Witness whereof, we, the Inhabitants of the Hamlet of *Kew*, have set our Hands this 15th of *May* 1717.

D. Capell.

Perceval.

John Gaine.

Hen. Gaine.

John Lely.

Hen. Harrington.

Nat. Mounteney.

John Murden.

John Schute.

Arthur Nixon.





*An ACCOUNT of the Distribution
of the Moneys collected at the Sacra-
ment at St. Ann, Kew Chapel, in the
County of Surrey, from the Day of its
Consecration, May the 12th 1714. to
December the 3d 1717.*

	l.	s.	d.
Moneys collected from the Day of Consecration, to February the 13th 1714 - }	6	7	0

Were paid into the Hands of Mr. *Lely*
the Chapelwarden, towards a further En-
dowment of the said Chapel.

* A Difference arising about the future
Application, Mr. *Fogg* the Curate did,
on May the 12th 1715. humbly submit
to the Determination of the Right Rev.
Father in God JONATHAN Lord Bishop
of *Winchester*; who was pleased to com-
mand,

mand, that the Moneys collected at the Holy Sacrament should be disposed of in the Manner following; viz.

The Collection on *Easter* Day was to be intirely the Minister's.

The other Collections to be disposed of at the Discretions of him and Chapelwarden.

SIR *Charles Eyre*, then Chapelwarden, was still for converting the whole Collection to the Chapel; at length, being *November* the 6th 1715. the Minister and Sir *Charles* did agree, that considering there were not many Poor on the Place, That the Priest, from the Sentences appointed to be read at the Offertory, as well as from the Practice of the Primitive Church, (which Sentences he constantly did read) had a Right to share in the Collection; and further, that there was not a Rate sufficient for defraying the necessary Charges relating to the Chapel; that upon their several Accounts,
the

the Moneys collected at the Sacrament should be divided into three equal Portions, the one the Minister's, the second the Chapel's, the third the Poor (excepting that on *Easter Day*).

IN pursuance of this Agreement, the subsequent Collections were divided (till the late Disagreement) ; and we humbly conceive, that the Alms and Oblations, the pious as well as charitable Uses, mentioned in our most excellent Liturgy, were fully answered by such a Division.

1715.	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>Nov.</i> the 6th, divided the re- spective Sums in Sir <i>Charles's</i> } Hands - - - - - }	4	18	4
<i>Dec.</i> the 25th, collected -	2	17	0
<i>March</i> the 4th - - - -	1	17	6

1716.	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>April</i> the 1st, being <i>Easter</i> } Day - - - - - }	2	8	5
<i>May</i> the 20th - - - -	2	1	4
<i>July</i> the 1st, collected - -	1	11	6
			<i>Aug.</i>

					<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>Aug.</i> the 5th	-	-	-	-	0	16	0
<i>Sept.</i> the 2d	-	-	-	-	1	17	6
<i>Nov.</i> the 4th	-	-	-	-	3	1	0
<i>Dec.</i> the 25th	-	-	-	-	2	11	6
<i>Feb.</i> the 2d	-	-	-	-	0	16	10

1717.

<i>April</i> the 21st, being <i>Easter</i>	}	2	14	0
<i>Day</i> - - - - -				
<i>June</i> the 9th - - - -		4	2	6

ALL which Sums were divided as above-mentioned. Remaining undivided since our Disagreement, in order for my Lord Bishop's Decifion ;

<i>Aug.</i> the 4th	-	-	-	-	3	5	9
<i>Oct.</i> the 6th	-	-	-	-	2	7	0
<i>Dec.</i> the 1st	-	-	-	-	0	17	9

THE Curate constantly paid the Poors Share, as also that for the Chapel, into the Hands of the Chapelwarden for the Time being.

No.



No. III.

6 Jan. 1717.

To the Right Rev. Father in God
JONATHAN Lord Bishop of
WINCHESTER,

The REPLICATION of the Persons whose Names are subscribed, Inhabitants of Kew-Green, in the County of Surrey, in behalf of themselves, and other the Inhabitants thereof, to the Answer of Mr. Thomas Fogg, Curate of the Chapel of St. Anne's Kew-Green, put in unto the Representation of the said Inhabitants, presented unto his Lordship in October 1717.



THESE Repliants for Replication say, That all and every of the Articles, Matters, and Things, contained in their Representation, are true ; and do aver, That the said Mr. *Fogg's* Answer thereto is very evasive and insufficient ; and that he is guilty of the Neglect and Breach of his Duty, in such manner as he stands charged

charged by the said Representation ; and that the said Inhabitants are, and shall be, ready to prove the several Facts laid to his Charge, at such convenient Time, and in such Manner, either by Affidavit, Examination of Witnesses in Writing, or *viva voce*, or in such other Manner as his Lordship shall think most proper, and least expensive to the said Mr. *Thomas Fogg* : And humbly pray his Lordship's Directions herein, and that a convenient Time may be appointed for Production of Witnesses ; and that proper Summonses or Citations, requiring such Witnesses to appear, and be examined, may be granted unto these Repliants accordingly.

Charles Eyre.

John Lely.

Chris. Appleby.

John Murden, Chapel-warden.

William Cox.

Thomas Howlett.

John Martyn.

Arthur Nixon.

John Gaine.

John Hayter.



A
L E T T E R

CONTAINING

*The Bishop's Order for Explanation
of his First Decree about the
SACRAMENT MONEY.*

S I R,

AS to the Money collected at the Sacrament in *Kew-Green*, before the Date of my late Decree of Admonition, I order, That you shall retain one third Part thereof, to dispose as you think fit; and that you immediately pay over the other Two-thirds to the Chapelwarden, to be distributed as the Inhabitants of *Kew-Green* shall agree amongst themselves. But as to all Collections to be made from the Date of my Decree, it was my Intent, and I do hereby order,
That

That you, and the Chapelwarden, shall for the future, according to the Rubrick, give and distribute it all amongst the poor Inhabitants of *Kew*, without retaining any Part of it yourself : And expect, that an Account be kept of the Persons Names, to whom it is distributed.

23. March 1717.

JONAT. WINTON. *

* This Letter, containing the Bishop's Order for Explanation of his first Decree about the Sacrament Money, was written by his Lordship to Mr. Fogg, who gave an attested Copy thereof, under his Hand, to Sir Charles Eyre, Knight, deceased.

F I N I S.

